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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nobuyoshi Nakajima

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EXAMINER

GAGLIOSTRO, KEVIN M

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/837,171	NAKAJIMA ET AL.	
	Examiner	Art Unit	
	Kevin M. Gagliostro	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of.
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/01</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22, 24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,459,388 to Baron.

Baron clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Baron describes an imaging device or camera (figure 4, item 400) comprising: imaging means for imaging a subject (photo) to acquire image data which represents said subject (figure 2, item 24);

Storage means for storing recommended composition data (or database 300) (figure 2, item 300), which represent composition images recommended at various locations of photography, which Baron refers to as the "photo-spot" (column 3, lines 39-51). This composition data is in correlation with photography information containing positional information, which represents said various photography locations of interest (column 6, lines 19-39);

Photography information acquisition means (RF transceiver and GPS), for acquiring said photography information (figure 2, item 23 and 25);

Read-out means for reading out either desired or recommended composition data correlated with photography information which corresponds to said acquired photography information, from said storage means, based on said acquired photography information. Specifically Baron describes a processor (figure 2, item 24) that provides data to the display to the user, which is capable of showing data (textual or graphical) stored in a database (figure 2, item 300), which does in fact correspond to the acquired photography information as a means for reading out data (column 6, lines 6-11).

And display means (display) for superposing and displaying a recommended composition image represented by said desired, recommended composition data and an image represented by said image data (figure 2, item 12) and (column 5, lines 18-25).

Baron clearly shows all of the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Baron describes an imaging device as set forth in claim 1, wherein said photography information contains date information (figure 3, item 34), which represents various dates of photography, along with said positional information (figure 3, item 31) all of which are elements comprised in the database 300 (figure 3). Baron also describes said recommended composition data represent composition images recommended on said various photography dates (all of which comprise database 300, imaging data section (figure 3, item 34)) in addition to said various photography locations (all of which comprise database 300, site information section (figure 3, item 31)).

Baron clearly shows all of the limitations cited in claims 3 and 4. See all material cited in the specification. Referring to claim 3, Baron describes an imaging device as set forth in claim 1, wherein said photography information contains weather information "or closest match based on weather (figure 3, item 34) which represents various weather recommended at said photography locations, along with said positional information all of which are elements comprised in the database 300 (figure 3) in the site information section (figure 3, item 31). Baron also describes said recommended composition data represent composition images recommended under said various weather in addition to said various photography locations all of which are elements comprised in the database 300 (figure 3) in the imaging data section (figure 3, item 34)."

Baron clearly shows all of the limitations cited in claims 5 and 6. See all material cited in the specification. Referring to claim 5, Baron describes an imaging device as set forth in claim 1, wherein said photography information acquisition means includes global positioning system (GPS) means for acquiring GPS information as said photography information, based on radio waves from GPS satellites. Specifically, Baron describes the GPS as having been used with cameras for providing locational information on a photograph to indicate where on earth the photo was taken (column 2, lines 63-67).

Also referring to claims 5 and 6, Baron describes a read-out means that reads out said desired, recommended composition data correlated with photography information which contains positional information corresponding to said GPS information, from said storage means, based on said GPS information. Specifically, Baron describes the GPS as having been used with cameras for providing locational information on a photograph to indicate where on earth the photo was taken (column 2, lines 63-67). Also, Baron describes a processor (figure 2, item 24) that provides data to the display to the user, which is capable of showing data (textual or

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graphical) stored in a database (figure 2, item 300), which does in fact correspond to the positional information (from GPS) as a means for reading out data (column 6, lines 6-11) and (figure 2, items 25 and 26).

Baron clearly shows all of the limitations cited in claims 7 and 8. See all material cited in the specification. Referring to claims 7<sup>ABR</sup> and 8, Baron describes the imaging device as set forth in claim 3, wherein said photography information acquisition means includes global positioning system (GPS) means for acquiring GPS information as said photography information, based on radio waves from GPS satellites, and weather information acquisition means for accessing a weather information server which provides weather information recommended at said photography location, to acquire weather information recommended at said photography location. Specifically Baron describes this as providing the user with "real-time" weather and time information which means that the system is in fact accessing weather information from the internet (figure 2, item 21 and column 3, lines 45-51). Baron also describes a read-out means reads out said desired, recommended composition data correlated with photography information, which contains positional information corresponding to said GPS information and said acquired weather information, from said storage means, based on said GPS information and said acquired weather information. Specifically Baron describes a processor (figure 2, item 24) that provides data to the display to the user, which is capable of showing data (textual or graphical) stored in a database (figure 2, item 300), which does in fact correspond to the acquired photography information as a means for reading out data (column 6, lines 6-11).

Baron clearly shows all of the limitations cited in claim 9. See all material cited in the specification. Referring to claim 9, Baron describes the imaging device as set forth in claim 1, further comprising an archive means (memory stick, flash card, etc.) for archiving the image data acquired by said imaging means (column 7, lines 42-43).

Baron clearly shows all of the limitations cited in claim 10. See all material cited in the specification. Referring to claim 10, Baron describes the imaging device as set forth in claim 9, wherein said storage means (or database) (figure 2, item 300) stores imaging-condition information, which represents recommended imaging conditions (stated in claim #9) suitable for archiving said image data in said archive means, in correlation with said recommended composition data. Specifically Baron refers to this as the "photo-spot," which is described as part of a system for providing information from which to view, photograph, or otherwise capture a site of interest (column 3, lines 39-51). Within this system is a database (figure 3, item 34) stores information about, while a display is configured to provide, in response to the present location and the time clock information, a visual display of at least the nearest of said sites having real time information satisfying a predetermined criteria, which can comprise that of imaging-condition information and recommended composition data (column 3, lines 52-59).

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Also referring to claim 10, Baron describes said read-out means reads out desired imaging-condition information correlated with said desired, recommended composition data, along with said desired, recommended composition data. Specifically Baron describes a processor (figure 2, item 24) that provides data to the display to the user, which is capable of showing data (textual or graphical) stored in a database (figure 2, item 300), which does in fact correspond to the desired imaging-condition information as a means for reading out data (column 6, lines 6-11).

Baron clearly shows all of the limitations cited in claim 11. See all material cited in the specification. Referring to claim 11, Baron describes the imaging device as set forth in claim 10, further comprising imaging-condition display means for displaying recommended imaging conditions represented by said desired imaging-condition information. Specifically Baron describes site information including image data comprising camera parameters in order to capture an optimal image of the site with the camera (column 4, lines 7-14).

Baron clearly shows all of the limitations cited in claim 12. See all material cited in the specification. Referring to claim 12, Baron describes the imaging device as set forth in claim 10, further comprising imaging-condition set means for setting said imaging means, based on recommended imaging conditions represented by said desired imaging-condition information. Baron describes this as essentially comprising the embodiment of a camera for capturing an image of desired and recommended images (figure 3, item 34 - camera) and (figure 4, item 400).

Baron clearly shows all of the limitations cited in claim 13. See all material cited in the specification. Referring to claim 13, Baron describes the imaging device as set forth in claim 11, further comprising imaging-condition set means for setting said imaging means, based on recommended imaging conditions represented by said desired imaging-condition information. Baron describes this as essentially comprising the embodiment of a camera for capturing an image of desired and recommended images (figure 3, item 34 - camera) and (figure 4, item 400).

Baron clearly shows all of the limitations cited in claim 14. See all material cited in the specification. Referring to claim 14, Baron describes the imaging device as set forth in claim 12, further comprising imaging-condition-set switching means for switching ON and OFF states of said imaging-condition set means. Specifically Baron describes the use of command keys (figure 1, item 14), which allows the user to scroll through, select, or otherwise choose and manipulate information presented on the display (column 7, lines 49-53). Inherently, within the command keys must be a means for switching ON and OFF states of said imaging-condition set means because any information associated with the image-condition set means must appear on the display (figure 1, item 12) and it is commonly known to anyone of

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ordinary skill in the art that the device display (as would the whole device) <sup>must</sup> ~~would be~~ capable of being turned on and off.

Baron clearly shows all of the limitations cited in claims 15 and 16. See all material cited in the specification. Referring to claim 15, <sup>claim 16</sup> Baron describes the imaging device as set forth in claim 12, wherein said read-out means reads out only said desired, recommended composition data correlated with imaging-condition information which represents recommended imaging conditions settable in said imaging means. Specifically Baron describes a processor (figure 2, item 24) that provides data to the display to the user, which is capable of showing data (textual or graphical) stored in a database (figure 2, item 300), which does in fact correspond to the desired imaging-condition information as a means for reading out data (column 6, lines 6-11) comprising the embodiment of a camera for capturing an image of desired and recommended images (figure 3, item 34 - camera) and (figure 4, item 400), otherwise stated as settable in said imaging means.

Baron clearly shows all of the limitations cited in claims 17-22. See all material cited in the specification. Referring to claims 17-22, Baron describes the imaging device as set forth in claim 9, wherein said recommended composition data have attendant information related to said recommended composition images; and said archive means attaches said attendant information to said image data when archiving said image data. Specifically Baron describes site information containing key elements (within the database) such as location, description, images, etc. (column 8, lines 20-28).

Baron clearly shows all of the limitations cited in claim 24. See all material cited in the specification. Referring to claim 24, Baron describes the imaging device as set forth in claim 1, wherein said display means includes selection display means for switching display and non-display (i.e. display ON and OFF) of said recommended composition image. Specifically Baron describes the use of command keys (figure 1, item 14), which allows the user to scroll through, select, or otherwise choose and manipulate information presented on the display (column 7, lines 49-53). Inherently, a means for switching ON and OFF said recommended composition image must be included because any information associated with the recommended composition image must appear on the display (figure 1, item 12) and it is commonly known to anyone of ordinary skill in the art that the device display (as would the whole device) must be capable of being turned ON and OFF.

Baron clearly shows all of the limitations cited in claim 26. See all material cited in the specification. Referring to claim 26, Baron describes the imaging device as set forth in claim 1, further comprising photography-information-acquisition switching means for switching ON and OFF states of said photography information acquisition means. Specifically Baron describes the use of command keys (figure 1, item 14), which allows the user to scroll through, select, or otherwise choose and manipulate

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information presented on the display (column 7, lines 49-53). Inherently, a means for switching ON and OFF states of said photography information acquisition means must be included because any information associated with the photography information acquisition means must appear on the display (figure 1, item 12) and it is commonly known to anyone of ordinary skill in the art that the device display (as would the whole device) must be capable of being turned on and off.

Baron clearly shows all of the limitations cited in claim 27. See all material cited in the specification. Referring to claim 27, Baron describes the imaging device as set forth in claim 1, further comprising image switching means for switching ON and OFF states of said imaging means; and switching display means for sequentially displaying recommended composition images, represented by the recommended composition data stored in said storage means, on said display means when said imaging means is in the OFF state. Specifically Baron describes the use of command keys (figure 1, item 14), which allows the user to scroll through, select, or otherwise choose and manipulate information presented on the display (column 7, lines 49-53). Inherently, a means of displaying recommended composition images must be on said display when imaging means (camera) is in the OFF state, in that the camera itself could be independent of the database comprising all of the mentioned data and said display means (as in the PLDS, column 5, lines 3-9)). With that in mind, then the camera would be OFF, or not in use.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 23 and 25 are rejected under 35 U.S.C. 103(c) as being unpatentable over U.S. Patent No. 6,459,388 to Baron in view of U.S. Patent No. 5,831,670 to Suzuki.

Regarding claim 23, Baron describes the imaging device as set forth in claim 1, but does not teach a read-out recognition means for informing that said desired, recommended composition data is read out, when reading out said desired, recommended composition data. Suzuki describes an indicator device 9 that is equipped with a function for displaying photographing information, which comprises that of said desired and recommended composition data, in the face of the camera body and in the view finder and is also equipped with a warning function such as a buzzer, a synthesized sound, a vibration or the like (column 4, lines 28-33). Therefore it would have been obvious to one ordinary skill in the art to combine the imaging device of Baron to include a read-out recognition means. One would have been motivated to combine the image device of Baron to include the read-out



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recognition means of Suzuki in that the photographer would want to have an indicator/warning that the composition quality of their field of view is not going to produce an optimum photograph, as they can make adjustments right away and not after the image has been captured (column 1, lines 49-58).

Regarding claim 25, Baron describes the imaging device as set forth in claim 1, but does not teach a coincidence recognition means for informing that said recommended composition image displayed on said display means has coincided with the image representing said subject. Suzuki describes an indicator device 9 that is equipped with a function for displaying photographing information, which comprises that of said recommended composition image coincided with the image representing said subject, in the face of the camera body and in the view finder and is also equipped with a warning function such as a buzzer, a synthesized sound, a vibration or the like (column 4, lines 28-33). Therefore it would have been obvious to one ordinary skill in the art to combine the imaging device of Baron to include a coincidence recognition means. One would have been motivated to combine the image device of Baron to include the coincidence recognition means of Suzuki in that the photographer would want to have an indicator/warning that the composition quality of their field of view is not going to produce an optimum photograph, as they can make adjustments right away and not after the image has been captured (column 1, lines 49-58).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro

12/09/2004



NGOC-YEN VU  
PRIMARY EXAMINER